

January 29, 2024

The Honorable William C. Smith Jr.  
Chairman, Senate Judicial Proceedings Committee  
2 East Miller Senate Office Building  
Annapolis, Maryland 21401

**RE: MBIA Letter of Support with Amendments SB 125 Residential Property Sales – Contract Disclosures – Superfund Sites**

Dear Chairman Smith,

The Maryland Building Industry Association, representing 100,000 employees of the building industry across the State of Maryland, supports **SB 125 Residential Property Sales – Contract Disclosures – Superfund Sites** with amendments.

This bill requires the seller of any residential real property located within a certain distance of a NPL Superfund site to include an addendum to the contract for the sale of the property. MBIA supports this measure with amendments.

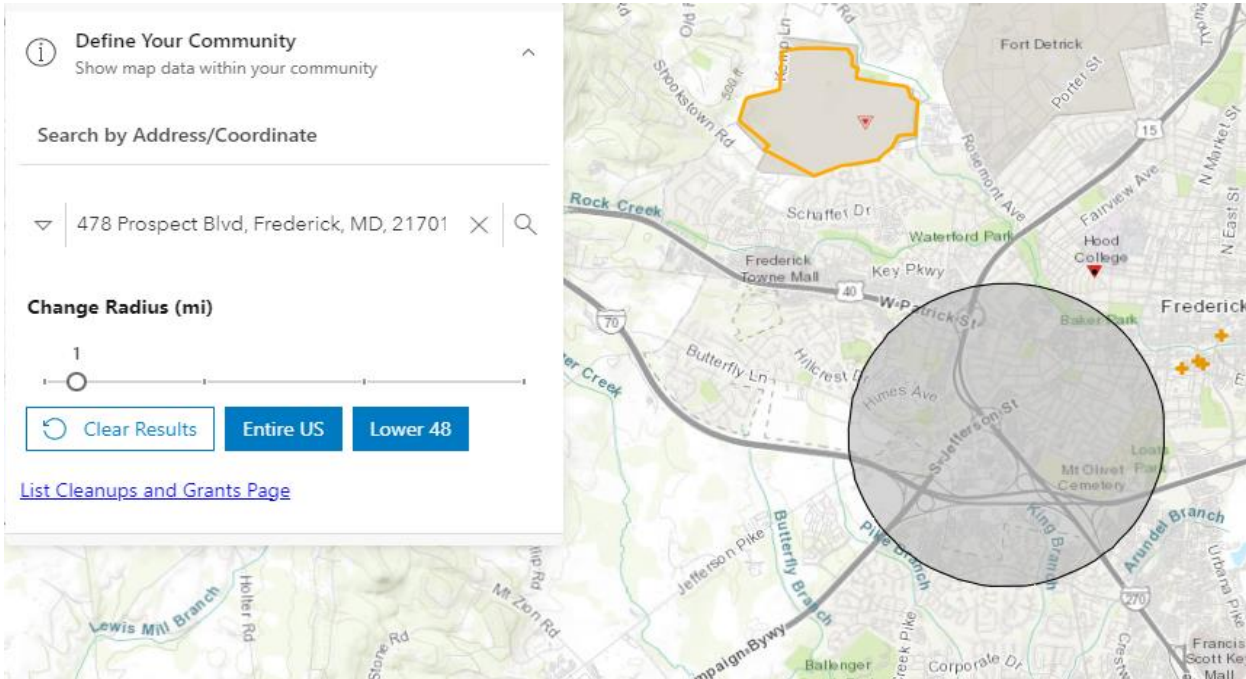
The bill text guides sellers to the EPA website for determining if their property is within 0.5 miles of a Superfund site. However, the site lacks clarity on locating a suitable link for mapping a property's distance, and some of the maps lack distance measuring tools. Although the EPA has introduced a test site with a mapping tool (<https://map22.epa.gov/cimc>), it only measures distances in 1-mile increments and can be difficult to find on the Superfund site.

Recently, the General Assembly has favored "buyer notices," guiding buyers to information sources and allowing them to assess its relevance to their purchase. Even online mapping tools may lack precision, granting sellers some leeway in what they want to disclose to the buyer. However, when buyers take responsibility for gathering information, they can choose to focus solely on properties outside 0.5 miles of a Superfund site or one mile away from it.

MBIA believes that the buyer should be in control of the information presented to them, and our below amendment substitutes a "buyer notice" with directions to the new EPA measuring tool. For these reasons, we respectfully request the Committee give this measure a favorable report with amendments. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or [lgraf@marylandbuilders.org](mailto:lgraf@marylandbuilders.org).

cc: Members of the Senate Judicial Proceedings Committee



**AMENDMENT #1**

Beginning on page 1, strike lines 15 through line 16 on page 3 and substitute:

**§ 10-713. SUPERFUND SITE DISCLOSURE**

**“SUPERFUND ENTERPRISE MANAGEMENT SYSTEM” DEFINED**

**(A) IN THIS SECTION, “SUPERFUND ENTERPRISE MANAGEMENT SYSTEM” MEANS THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY’S SUPERFUND ENTERPRISE MANAGEMENT SYSTEM**

**APPLICATION OF SECTION**

**(B) THIS SECTION APPLIES ONLY TO THE SALE OF RESIDENTIAL REAL PROPERTY.**

**NOTICE**

**(C) A CONTRACT FOR THE SALE OF REAL PROPERTY SHALL INCLUDE, THE FOLLOWING BUYER NOTICE:**

**“NOTICE ON SUPERFUND HAZARDOUS WASTE SITES**

**A PURCHASER OF REAL PROPERTY IS ADVISED TO ACCESS THE WEBSITE OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY’S SUPERFUND ENTERPRISE MANAGEMENT SYSTEM CLEANUPS IN MY COMMUNITY**

TO DETERMINE IF A SUPERFUND HAZARDOUS WASTE SITE IS LOCATED NEAR THE PROPERTY. THE WEB PAGE IS LOCATED AT: [HTTPS://WWW.EPA.GOV/CLEANUPS/CLEANUPS-MY-COMMUNITY](https://www.epa.gov/cleanups/cleanups-my-community).” A PURCHASER WHO RECEIVES THIS NOTICE AFTER ENTERING INTO A CONTRACT OF SALE HAS THE UNCONDITIONAL RIGHT TO RESCIND THE CONTRACT AT ANY TIME OR WITHIN 5 DAYS AFTER RECEIPT OF THE NOTICE. IF EXERCISING THE RIGHT OF RESCISSION, THE PURCHASER IS ENTITLED TO THE IMMEDIATE RETURN OF ANY DEPOSITS MADE IN ACCORDANCE WITH THE CONTRACT”

#### **RIGHTS OF RESCISSION**

**(D)(1) A PURCHASER THAT RECEIVES THE NOTICE REQUIRED UNDER SUBSECTION (C) OF THIS SECTION ON OR BEFORE ENTERING INTO A CONTRACT OF SALE DOES NOT HAVE THE RIGHT TO RESCIND THE CONTRACT OF SALE BASED ON THE INFORMATION RECEIVED FROM THE VENDOR UNDER SUBSECTION (C) OF THIS SECTION.**

**(2)(I) A PURCHASER THAT DOES NOT RECEIVE THE NOTICE REQUIRED UNDER SUBSECTION (C) OF THIS SECTION ON OR BEFORE ENTERING INTO A CONTRACT OF SALE, ON WRITTEN NOTICE TO THE VENDOR OR THE VENDOR'S AGENT:**

- 1. HAS THE UNCONDITIONAL RIGHT TO RESCIND THE CONTRACT AT ANY TIME BEFORE, OR WITHIN 5 DAYS AFTER, RECEIPT OF THE NOTICE REQUIRED UNDER SUBSECTION (C) OF THIS SECTION; AND**
- 2. IS ENTITLED TO THE IMMEDIATE RETURN OF ANY DEPOSITS MADE IN ACCORDANCE WITH THE CONTRACT.**

**(II) THE RETURN OF ANY DEPOSITS HELD IN TRUST BY A LICENSED REAL ESTATE BROKER TO A PURCHASER UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH SHALL COMPLY WITH THE PROCEDURES SET FORTH IN § 17-505 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.**